

JOINT NOTICE OF PROPOSED ACTION

U.S. Environmental Protection Agency, Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105

Navajo Nation Environmental Protection Agency
P.O. Box 339
Window Rock, AZ 86515

On National Pollutant Discharge Elimination System (NPDES) Permits to Discharge Pollutants to Waters of the United States

Public Notice #: AZ-06-W-20 Publication Date: June 15, 2006

The Environmental Protection Agency, Region 9, San Francisco, California, in cooperation with the Navajo Nation Environmental Protection Agency, is jointly issuing the following notice of proposed action under the Clean Water Act.

The Environmental Protection Agency (EPA), Region 9, San Francisco, California, has received a complete application for reissuance of the NPDES permit for three (3) following facilities:

Navajo Tribal Utility Authority - Chinle Wastewater Treatment Facility
NPDES Permit No. NN0020265

Description:

The NTUA-Chinle wastewater treatment lagoon is located in Chinle, Arizona, Apache County, within the central portion of the Navajo Nation. The facility serves a population of 4,477, receiving only domestic sewage, with a design flow of 0.783 million gallons per day (MGD). Wastewater undergoes bar screening prior to entering the facility, which consists of aeration, stabilization, chlorination and disposal. Effluent will be discharged through an 8-inch PVC pipe from Outfall No. 001 into Nazlini Wash, a tributary to Laguna Creek, a tributary to the San Juan River. Any sampling and monitoring under the proposed permit shall be performed at Outfall No. 001.

Navajo Tribal Utility Authority - Pinon Wastewater Treatment Facility
NPDES Permit No. NN0024228

Description:

The NTUA-Pinon wastewater treatment lagoons are located in Pinon, Navajo County, Arizona, within the central portion of the Navajo Nation. The facility serves a population of about 1,613, receiving only domestic sewage with a design flow of 0.3 million gallons per day (MGD). The facility is a four-cell facultative lagoon system, originally designed as a total retention system to treat wastewater. However, because effluent may be discharged from the final cell, which was constructed for wetland use and divided into three smaller compartments, an NPDES permit is required. Gas chlorination will be used to disinfect the wastewater before any discharge. There is no pretreatment or aeration of the wastewater. Effluent will be

intermittently discharged from Outfall No. 001 into an unnamed wash that flows to Wepo Wash, a tributary to Polacca Wash, a tributary to the Little Colorado River. Any sampling and monitoring under the proposed permit shall be performed at Outfall No. 001.

Bureau of Indians Affairs (BIA) - Ti'is Nas Baz Boarding School

NPDES Permit No. NN0110094

Description:

The BIA Ti'is Nas Baz Boarding School wastewater treatment lagoon system is located in Teec Nos Pos, Apache County, Arizona, within the northern portion of the Navajo Nation. The facility serves a population of approximately 348, receiving only domestic sewage, with an average design flow of 0.08 million gallons per day (MGD). The treatment facility is a four-cell total retention evaporation pond with aeration capabilities. The wastewater from the collection system flows by gravity directly into the lagoon. Transfer piping allows wastewater to flow in succession from Cell #1 to Cell #4. Effluent will be intermittently discharged through a 12-inch pipe from Outfall No. 001 into Teec Nos Pos Wash, a tributary to Toh Dastini Wash, a tributary to San Juan River. Any sampling and monitoring under the proposed permit shall be performed at Outfall No. 001.

On the basis of preliminary review of the requirements of the Clean Water Act ("CWA"), as amended, and implementing regulations, the Regional Administrator, Region 9 Environmental Protection Agency, proposes to issue NPDES permits to the above applicants, subject to certain effluent limitations and special conditions. Authority to enforce, modify, reissue and terminate these permits will be transferred to the Navajo Nation EPA upon final delegation of the NPDES program.

The ADMINISTRATIVE RECORDS for the PROPOSED PERMITS, which include the APPLICATIONS, DRAFT PERMITS, FACT SHEETS/STATEMENTS OF BASIS, and all data sent by the applicants for the PERMITS, are available for public inspection. The ADMINISTRATIVE RECORDS may be viewed Monday through Friday from 9:00 A.M. until 4:00 P.M. at the EPA address below. A copy of these documents may be obtained by calling (415) 972-3511 or by writing to:

USEPA, Region 9
Attn: Linh Tran (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105
Tran.Linh@epamail.epa.gov

A copy may also be obtained by calling (520) 871-7185 or by writing to:

Navajo Nation EPA
Attn: Patrick Antonio
P.O. Box 339
Window Rock, AZ 86515

All comments submitted within 30 days from the date of this notice will be considered in the formulation of the final permit. If the response to this notice indicates a significant degree of public desire for a public hearing, the Regional Administrator shall hold one in accordance with 40 CFR 124.12. A public notice of such hearing will be issued at least 30 days prior to the hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

EPA will prepare and issue a final permit after reviewing all comments received during the public comment period. If no comments are submitted on the draft permit, the final permit will become effective three (3) days from the date of mailing. If comments are submitted on the draft permit, the final permit will become effective 33 days from the date of mailing, unless a petition is filed with the Environmental Appeals Board (EAB) to review any conditions of the final permit under 40 CFR 124.19(a), as revised at 65 Fed. Reg. 30886, 30911 (May 15, 2000). A copy of such petition should be sent to the EPA address listed above.

As stated in 40 CFR 124.19(a), within 33 days after EPA issues the final permit, any person who filed comments on the draft permit or participated in the public hearing may petition the EAB to review any condition of the permit decision. Any person who failed to file comments or failed to participate in a public hearing on the draft permit may petition for administrative review only with regard to changes made from the draft permit to the final permit. The petition shall include a statement of the reasons supporting the review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and, when appropriate, a showing that the condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous; or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. Under 40 CFR 124.16 and 124.60, a petition for review under 40 CFR 124.19 stays the force and effect of the contested conditions of the final permit until final agency action under 40 CFR 124.19(f).

Please bring the foregoing notice to the attention of all persons you know would be interested in this matter.